

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

ALICE H. ALLEN, et al., Plaintiffs, v. DAIRY FARMERS OF AMERICA, INC. and DAIRY MARKETING SERVICES, LLC, Defendants.	Civil Action No. 5:09-CV-00230-cr
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**DFA/DMS SUBCLASS’S RESPONSE TO JONATHAN AND CLAUDIA HAAR’S
“MOTION FOR LEAVE TO FILE MOTION FOR DEFERRAL OF DEADLINE FOR
MOTION FOR RECONSIDERATION OF 707 ENTRY ORDER”**

The DFA/DMS Subclass respectfully responds to the motion filed by Jonathan and Claudia Haar. ECF No. 708. Their motion relates to the Court’s October 23, 2015 entry order, ECF No. 707, denying the DFA/DMS Subclass Representatives’ renewed motion for new counsel and granting in part and denying in part DFA/DMS Subclass Counsel’s motion for appointment of additional subclass representatives and removal of current subclass representatives (“Order”). The Haars attached to their motion another document entitled, “DFA Member Subclass Representatives’ Motion to Defer Deadlines for Motion for Reconsideration of 707 Entry Order.” ECF No. 708-2. That motion more clearly sets for the relief sought; it seeks a “continuance of the date to file for reconsideration under Local Rule 7(c) until fourteen days after the ninetieth day, or January 11th, 2016.” *Id.* at 1. It also refers to an “In Camera Filing” that the Haars state was provided to the Court.

The DFA/DMS Subclass responds as follows:

1. The time period for filing a motion for reconsideration is 14 days. L.R. 7(c). The Court’s Order at issue was decided on October 23, 2015. While one version of the motion was

served on counsel and was dated November 5, 2015, the motion was not appropriately filed with the Court by the deadline of November 6.

2. As the Court ruled, there was no sound basis for the second motion for new counsel. ECF No. 707. The new filing does not provide any rationale for reconsidering that Order, but nevertheless asks that the deadline for seeking reconsideration be extended until January 11, 2016 – an extension of more than two months. The DFA/DMS Subclass respectfully submits that there is no basis for such an extension both because no rationale for reconsideration has been offered and because any motion for reconsideration should have been promptly filed after the Court's decision (as required by the Local Rules).

3. The Haars' *in camera* submission has not been provided to Subclass Counsel (or, to our knowledge, any party to this litigation) and should not be considered by the Court.

4. In accordance with the Court's directions, all parties are conferring extensively regarding the possible settlement of this litigation and will submit an appropriate filing on or before the December 28, 2015 deadline established by the Court.

Based on the foregoing, the DFA/DMS Subclass respectfully requests that the Court deny the motion and that the *in camera* submission be excluded from the record and disregarded.

Dated: December 8, 2015

Respectfully submitted,

/s/ Kit A. Pierson

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CERTIFICATE OF SERVICE

I certify that on the 8th day of December, 2015, a true and correct copy of the foregoing:
DFA/DMS Subclass's Response to Jonathan and Claudia Haar's "Motion for Leave to File
Motion for Deferral of Deadline for Motion for Reconsideration of 707 Entry Order" was served
by operation of the electronic filing system of the U.S. District Court for the District of Vermont
upon all counsel who have consented to receive notice of filings in the matters styled *Allen, et al.*
v. Dairy Farmers of America, et al., Case No. 5:09-cv-00230-cr.

/s/ Brent W. Johnson

Brent W. Johnson